

## American Broadband

November 22, 2004

Mr. C. Dukes Scott  
Executive Director  
Public Service Commission of South Carolina  
101 Executive Center Drive  
Columbia, South Carolina, 29210

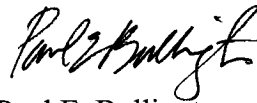
RE: American Broadband, Inc.  
Application for Certificate of Public Convenience and Necessity to  
Operate within the state of South Carolina

Dear Mr. Scott:

American Broadband, Inc. hereby submits the enclosed Application, seeking a Certificate of Public Convenience and Necessity to Operate within the state of South Carolina. An original and sixteen (16) copies are provided. Please date stamp one copy and return in the self-addressed stamped envelope provided.

Should you have any questions or require additional information, please contact me at (251) 662-1170.

Sincerely,



Paul E. Bullington  
Chief Financial Officer

Enclosures

cc: Mr. Paul F. Guarisco

251.662.1170 office • 251.662.1297 fax  
618 Azalea Rd • Mobile, Alabama 36609  
Mailing Address • P.O. Box 91064 • Mobile, Alabama 36609

**BEFORE THE  
PUBLIC SERVICE COMMISSION  
OF SOUTH CAROLINA**

APPLICATION OF AMERICAN BROADBAND, INC. )  
FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND )  
NECESSITY TO PROVIDE INTRAEXCHANGE AND )  
INTEREXCHANGE PRIVATE LINE SERVICES AND )  
ACCESS SERVICES AS A COMPETITIVE ACCESS )  
PROVIDER WITHIN THE STATE OF SOUTH CAROLINA )

DOCKET NO. 2004-343C

American Broadband, Inc. ("American Broadband" or "Applicant") pursuant to S.C. Code Ann. §58-9-280(B), as amended, and Section 253 of the Telecommunications Act of 1996, respectfully submits this Application for Authority to provide intra-exchange and inter-exchange private-line and access services as a Competitive Access Provider (CAP) throughout the state of South Carolina. In addition, Applicant requests that the Commission regulate its telecommunications services in accordance with the principles and procedures established for flexible regulation in Order No. 98-165 in Docket No. 97-467-C. Pursuant to S.C. Code Ann. §58-9-585 and the general regulatory authority of the Commission, the Applicant also requests that the Commission regulate its service offerings as described below in accordance with the principles and procedures established for alternative regulation in Orders No. 95-1734 and 96-55 in Docket No. 95-661-C, and as modified by Order No. 2001-997 in Docket No. 2000-407-C.

Applicant designs and brokers network services using facilities either leased or purchased from ILECs, CLECs, Inter-exchange Carriers and other access providers who have spare capacity.

All services are available twenty-four (24) hours per day, seven (7) days a week. The Applicant will commence offering service following the granting of this application.

Approval of this application will promote the public interest by increasing the level of competition within South Carolina. This competition will mandate that all exchange telecommunications providers will operate more efficiently, enabling the consumer to benefit via reduced rates.

In support of this Application, Applicant respectfully states as follows:

**1. The name and address of the Applicant are:**

American Broadband, Inc.  
618 Azalea Road  
Mobile, Alabama 36691  
Telephone: (251) 662-1170  
Facsimile: (251) 662-1297  
Website: www.southernlightfiber.com

Mail: P.O. Box 91064  
Mobile, Alabama 36609

**2. All correspondence, notices, inquiries and other communications regarding this application should be sent to:**

Paul E. Bullington  
Chief Financial Officer  
618 Azalea Road  
Mobile, Alabama 36691  
Telephone: (251) 662-1170  
Facsimile: (251) 662-1297  
E-mail: pbullington@southernlightfiber.com

**3. Contact person regarding ongoing operations of the Company is:**

Eric R. Daniels  
Chief Operations Officer  
Telephone: (251) 662-1170  
Facsimile: (251) 662-1297  
E-mail: edaniels@southernlightfiber.com

**4. Description of Applicant**

Applicant is a private corporation that was incorporated in the state of Alabama on January 14, 2002. Applicant filed for authority to do business within the state of South Carolina on March 18, 2004. Certificates of Incorporation and Authority to Transact Business in the State of South Carolina are attached hereto as **Exhibit A**.

**5. Officers and Directors**

See **Exhibit B**.

**6. Customer Service**

Applicant understands the importance of effective customer service for consumers. Customers may

contact the Company in writing at the headquarters address, by e-mail at [pbullington@southernlightfiber.com](mailto:pbullington@southernlightfiber.com), or by its toll free number at (877) 276-7731. The customer service number will be printed on the customers' billing statements.

**7. Financial Ability**

Applicant has sufficient financial resources to operate in South Carolina. In support of the Company's financial ability to provide the proposed services, the Applicant offers its financial statements in **Exhibit C**.

**8. Managerial and Technical Ability**

**Exhibit D** contains a brief overview of the managerial experience of Applicant. The Company has the managerial experience in the telecommunications industry that will allow it to be a successful competitive access provider.

**9. Proposed Service Territory**

Applicant proposes to offer intra-exchange and inter-exchange private line and access services. These services will be offered within the present operating areas of BellSouth and throughout the state of South Carolina. **Exhibit E** contains the proposed tariff of Applicant.

**10. Public Interest and Need**

Approval of this application and Applicant's proposed tariff will serve the public interest and offer several benefits to consumers in South Carolina. First and foremost, Applicant will offer its Customers the ability to have seamless service.

The granting of Applicant's application is consistent with S.C. Code Ann. §58-9-280(B), as amended by 1996 Act No. 354, and, in that regard Applicant makes the following representations to the Commission:

- A. Applicant possesses the technical, financial, and managerial resources sufficient to provide the services requested;
- B. The provision of services by Applicant will not adversely impact the availability of affordable exchange service;
- C. Applicant's services will meet the service standards required by the Commission;
- D. Applicant, to the extent it is required to do so by the Commission, will participate in the support of universally available telephone service at affordable rates; and,
- E. The provision of services by Applicant will not adversely impact the public interest.

Applicant's entry into the local market will not disadvantage any telephone service providers.

Incumbent LEC's are presently serving nearly all of the local exchange customers in South Carolina. The history of telecommunications competition has demonstrated that as new entrants improved the price performance of service, consumers benefited from a wider choice of service and options. The resulting reduced rates that competitive pressures brought to the market stimulated demand, resulting in growing revenues for both new entrants and established firms. Applicant expects that this same phenomena to affect local service over time, thus creating a larger market for all carriers. Therefore, the approval of Applicant's application is clearly in the public interest.

## **11. Waivers and Regulatory Compliance**

Applicant requests that the Commission grant it a waiver of those regulatory requirements inapplicable to competitive local service providers. Such rules are not appropriate for competitive providers and constitute an economic barrier to entry into the local exchange market.

- A. Applicant requests that it be exempt from any financial recording rules or regulations that require a carrier to maintain its financial records in conformance with the Uniform System of Accounts ("USOA"). As a competitive provider, Applicant currently maintains its books and records in accordance with Generally Accepted Accounting Principles ("GAAP"). GAAP is used extensively by interexchange carriers. Since Applicant utilizes GAAP, the Commission will have a reliable method by which to evaluate Applicant's operations. Therefore, Applicant requests to be exempt from any and all USOA requirements of the Commission.
- B. In addition, Applicant requests a waiver of S.C. Reg. 103-610, and to be allowed to maintain its books and records at its headquarters location in Mobile, Alabama. In the event that the Commission finds it necessary to review Applicant's books, this information will be provided upon request to the Commission or Applicant will bear the expense of travel for the Commission staff to examine the books and records located outside of South Carolina.
- C. Applicant requests that it not be required to publish local exchange directories. Applicant will make arrangements with the incumbent LECs whereby the names of Applicant's Customers will be included in the directories published by the incumbent LECs. These directories will be distributed to Applicant's Customers. This approach is entirely reasonable and will have a direct benefit to the customers of both Applicant and the incumbent LECs since customers will have to refer to only one directory for a universal listing of customer information. It would be an unnecessary burden on the Applicant to require that it publish and distribute its own directory to all customers located within each exchange area, particularly since nearly all of these customers will be customers of the incumbent LECs. It is more efficient for Applicant to simply include its Customer list in the existing directories of the incumbent LECs.
- D. Applicant finally requests waivers of any reporting requirements which are not applicable to competitive providers such as Applicant because such requirements (a) are not consistent with the demands of the competitive market; or (b) they constitute an undue burden on a competitive provider, thereby requiring an ineffective allocation of resources.

Applicant reserves the right to seek any regulatory waivers which may be required for Applicant to compete effectively within the states' local exchange and resale market.

- D. Applicant finally requests waivers of any reporting requirements which are not applicable to competitive providers such as Applicant because such requirements (a) are not consistent with the demands of the competitive market; or (b) they constitute an undue burden on a competitive provider, thereby requiring an ineffective allocation of resources.

Applicant reserves the right to seek any regulatory waivers which may be required for Applicant to compete effectively within the states' local exchange and resale market.

## **12. Alternative Regulation of Business Service Offerings**

In Docket No. 95-661-C in response to a Petition for Alternative Regulation by AT&T Communications of the Southern States, the Commission determined that there was sufficient competition in the market for interexchange telecommunication services to justify a relaxation in the manner in which AT&T was regulated. The Commission determined that AT&T was not required to file maximum rates for long distance business service offerings and that its tariffs be presumed valid upon filing, subject to the Commission's right within seven days to institute an investigation of the tariff filing. Applicant submits that as a competitor of AT&T in the market for providing telecommunication services to customers, it should be subject to no regulatory constraints greater than those imposed on AT&T. Applicant requests that its interexchange business services offerings described in its proposed tariff be regulated under this form of relaxed regulation.

This Application demonstrates that Applicant has the technical, financial and managerial resources to provide intra-exchange and inter-exchange private line and access services as a Competitive Access Provider within South Carolina. The granting of this Application will promote the public interest by increasing the level of competition in the telecommunications markets of the state. Competition of this nature will mandate that all telecommunications providers will operate more efficiently and improve the overall service quality for consumers.

Approval of the Application of Applicant will serve the public interest by offering consumers throughout the State of South Carolina a meaningful quality service option. Approval of this Application will also benefit consumers by creating greater competition. Competition in the telecommunications marketplace inspires innovation and development of services that meet customer needs cost effectively.

Wherefore, Applicant respectfully petitions this Commission for authority to provide intra-exchange and inter-exchange private line and access services as a Competitive Access Provide in the State of South Carolina in accordance with this Application, for flexible regulatory treatment of its exchange services, for alternative regulation of its long distance business service offerings, and for such other relief as it deems necessary and appropriate.

**AMERICAN BROADBAND, INC.**



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American Broadband, Inc.  
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